

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GENTE “JUDE” NATURAL-UNIDO,

Plaintiff,

-against-

BROAD. CORP. DOES & THE U.S.
COPYRIGHT OFFICE,

Defendant.

21-CV-5586 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is proceeding *pro se*, brings this action alleging copyright and trademark infringement, among other claims. Plaintiff filed the action under the name “Gente ‘Jude’ Natural-Unido” and signed the complaint and application to proceed *in forma pauperis* (“IFP”) with the name “Jude” and a hand-drawn symbol that resembles a violin. For the reasons set forth below, the Court grants Plaintiff thirty days’ leave to file an amended complaint with his real name, signature, and address. Plaintiff must also, within thirty days, either pay the \$402.00 in fees required to bring an action in this Court or submit an IFP application with his real name, signature, and address.

A. Plaintiff’s identity

The Court understands Gente “Jude” Natural-Unido to be a pseudonym of an individual named Juan Pablo Chavez, who has a history of filing actions and signing documents in this court and other courts under fictitious names. *See Chavez v. Defalco*, ECF 1:21-CV-3497, 2 (S.D.N.Y. filed Apr. 19, 2021) (signing complaint with a stamp reading “@rtsmediaink” along with the same hand-drawn symbol); *Arco v. Rudes*, ECF 1:20-CV-8630, 1 (S.D.N.Y. Dec. 2,

2020) (complaint filed by The People d/b/a Johnny Arco c/o Reason, Logic & Law);¹ *Chavez v. Rudes*, No. 3:18-CV-2781 (N.D. Tex. July 27, 2020) (complaint filed by Juan Pablo Chavez d/b/a Fine Arts Education Reform a/k/a Chief Maestro Chavez a/k/a Chief Maestro and stating that “Johnny Arco” is another pseudonym Plaintiff uses); *Chavez v. Rudes*, No. 1:18-CV-1757 (D. D.C. Aug. 16, 2018) (complaint filed by Juan Pablo Chavez d/b/a Fine Arts Education Reform; d/b/a Reason, Logic & Law d/b/a BFlat+ Media Publishing d/b/a Johnny Arco); *Chavez v. Finney*, ECF 1:19-CV-4109, 2 (S.D.N.Y. filed May 7, 2019) (original complaint brought by “Plaintiff under Seal” and later amended to list as Plaintiff “Juan Pablo Chavez *Sui Juris* c/o Reason, Logic & Law, reasonlogiclaw@gmail.com”); *Maestro v. People of the State of New York*, No. 3:19-CV-1215 (N.D. Tex. July 16, 2019) (complaint brought by “Plaintiff under Seal,” later amended to list “Chief Maestro also known as Juan Pablo Chavez also known as Chief Maestro Chavez,” and also including the same hand-drawn symbol).

B. Proceeding Under a Pseudonym

Rule 10(a) of the Federal Rules of Civil Procedure provides that “[t]he title of [a] complaint must name all the parties.” “This requirement . . . serves the vital purpose of facilitating public scrutiny of judicial proceedings and therefore cannot be set aside lightly.” *Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 188-89 (2d Cir. 2008). Courts have, however, permitted parties to proceed under a pseudonym or anonymously in limited circumstances. In deciding whether to permit a party to proceed anonymously, the United States Court of Appeals for the Second Circuit has articulated a nonexhaustive list of ten factors that courts should consider:

¹ The Court notes that “Gente,” the name under which Plaintiff proceeds here, is Spanish for “People.”

(1) whether the litigation involves matters that are highly sensitive and of a personal nature; (2) whether identification poses a risk of retaliatory physical or mental harm to the party seeking to proceed anonymously or even more critically, to innocent non-parties; (3) whether identification presents other harms and the likely severity of those harms, including whether the injury litigated against would be incurred as a result of the disclosure of plaintiff's identity; (4) whether the plaintiff is particularly vulnerable to the possible harms of disclosure, particularly in light of his age; (5) whether the suit is challenging the actions of the government or that of private parties; (6) whether the defendant is prejudiced by allowing the plaintiff to press his claims anonymously, whether the nature of that prejudice (if any) differs at any particular stage of the litigation, and whether any prejudice can be mitigated by the district court; (7) whether the plaintiff's identity has thus far been kept confidential; (8) whether the public's interest in the litigation is furthered by requiring the plaintiff to disclose his identity; (9) whether, because of the purely legal nature of the issues presented or otherwise, there is an atypically weak public interest in knowing the litigants' identities; and (10) whether there are any alternative mechanisms for protecting the confidentiality of the plaintiff.

Id. at 190 (alterations, ellipses, quotation marks, and citations omitted).

Plaintiff's complaint fails to comply with Rule 10(a). He brings this action under the pseudonym Gente "Jude" Natural-Unido, suing what appears to be the British Broadcasting Corporation regarding alleged copyright and trademark infringement. The Court liberally construes Plaintiff's submissions as a motion to proceed under a pseudonym. Even when construed liberally, however, Plaintiff's submission fails to suggest any reason why the Court should permit him to proceed under a pseudonym.

The Court therefore directs Plaintiff, within thirty days, to submit an amended complaint with his real name, address, and signature.

C. Filing Fees or IFP Application

To proceed with a civil action in this Court, a plaintiff must either pay \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or, to request authorization to proceed IFP, that is, without prepayment of fees, submit a signed IFP application.

Because Plaintiff's original submission did not include the filing fees or an IFP application, by order dated July 9, 2021, the Court directed Plaintiff to either pay the filing fees or submit a completed and signed IFP application. On July 30, 2021, Plaintiff submitted an IFP application under the name "Gente," which was signed with the name "Jude" and the hand-drawn symbol. (*See* ECF 3.)

Within thirty days of the date of this order, Plaintiff must either pay the \$402.00 in fees or submit the attached IFP application with his real name, address, and signature. If the Court grants the IFP application, Plaintiff will be permitted to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a)(1).

CONCLUSION

The Court construes Plaintiff's submissions as a motion to proceed under a pseudonym and denies Plaintiff's motion.

The Court grants Plaintiff thirty days' leave to file an amended complaint with his real name, signature, and address. Plaintiff must also either pay the \$402.00 in fees or submit an IFP application with his real name, signature, and address. If Plaintiff submits the amended complaint and IFP application, the documents should be labeled with docket number 21-CV-5586 (LTS). Plaintiff must submit the amended complaint and IFP application to this Court's Pro Se Intake Unit within thirty days of the date of this order. An Amended Complaint form and an IFP application are attached to this order.

No summons will issue at this time. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: September 17, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(Full name(s) of the plaintiff or petitioner applying (each person must submit a separate application))

-against-

____ CV _____ () ()

(Enter case number and initials of assigned judges, if available; if filing this with your complaint, you will not yet have a case number or assigned judges.)

(Full name(s) of the defendant(s)/respondent(s).)

APPLICATION TO PROCEED WITHOUT PREPAYING FEES OR COSTS

I am a plaintiff/petitioner in this case and declare that I am unable to pay the costs of these proceedings and I believe that I am entitled to the relief requested in this action. In support of this application to proceed *in forma pauperis* ("IFP") (without prepaying fees or costs), I declare that the responses below are true:

1. *Are you incarcerated?* ☐ Yes ☐ No (If "No," go to Question 2.)

I am being held at: _____

Do you receive any payment from this institution? ☐ Yes ☐ No

Monthly amount: _____

If I am a prisoner, *see* 28 U.S.C. § 1915(h), I have attached to this document a "Prisoner Authorization" directing the facility where I am incarcerated to deduct the filing fee from my account in installments and to send to the Court certified copies of my account statements for the past six months. *See* 28 U.S.C. § 1915(a)(2), (b). I understand that this means that I will be required to pay the full filing fee.

2. *Are you presently employed?* ☐ Yes ☐ No

If "yes," my employer's name and address are: _____

Gross monthly pay or wages: _____

If "no," what was your last date of employment? _____

Gross monthly wages at the time: _____

3. In addition to your income stated above (which you should not repeat here), have you or anyone else living at the same residence as you received more than \$200 in the past 12 months from any of the following sources? Check all that apply.

(a) Business, profession, or other self-employment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(b) Rent payments, interest, or dividends	<input type="checkbox"/> Yes	<input type="checkbox"/> No

- | | | |
|---|------------------------------|-----------------------------|
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (d) Disability or worker's compensation payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (e) Gifts or inheritances | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (f) Any other public benefits (unemployment, social security, food stamps, veteran's, etc.) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (g) Any other sources | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

If you answered "No" to all of the questions above, explain how you are paying your expenses:

4. How much money do you have in cash or in a checking, savings, or inmate account?

5. Do you own any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value, including any item of value held in someone else's name? If so, describe the property and its approximate value:

6. Do you have any housing, transportation, utilities, or loan payments, or other regular monthly expenses? If so, describe and provide the amount of the monthly expense:

7. List all people who are dependent on you for support, your relationship with each person, and how much you contribute to their support (only provide initials for minors under 18):

8. Do you have any debts or financial obligations not described above? If so, describe the amounts owed and to whom they are payable:

Declaration: I declare under penalty of perjury that the above information is true. I understand that a false statement may result in a dismissal of my claims.

Dated

Signature

Name (Last, First, MI)

Prison Identification # (if incarcerated)

Address

City

State

Zip Code

Telephone Number

E-mail Address (if available)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

____ Civ. _____ (____)

**AMENDED
COMPLAINT**

Jury Trial: ☐ Yes ☐ No
(check one)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name _____
Street Address _____
County, City _____
State & Zip Code _____
Telephone Number _____

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 2 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 3 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 4 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal Questions

☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? _____

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? _____

B. What date and approximate time did the events giving rise to your claim(s) occur? _____

C. Facts: _____

What
happened
to you?

Who did
what?

Was anyone
else
involved?

Who else
saw what
happened?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. _____
